

CHAPTER 5 MUNICIPAL COURT¹

ARTICLE 5-1 MUNICIPAL COURT ESTABLISHED; JURISDICTION

There is hereby established in the city a municipal court which shall have jurisdiction of all violations of this code, other city ordinances and jurisdiction concurrently with justices of the peace of precincts in which the city is located of violation of laws of the state committed within the limits of the city. The municipal court is established pursuant to the Arizona Constitution and Arizona Revised Statutes Section 22-402 and shall be known as the Maricopa Municipal Court.

ARTICLE 5-2 MUNICIPAL JUDGES

5-2-1	Appointment; Compensation
5-2-2	Powers and Duties
5-2-3	Hearing Officers

Section 5-2-1 Appointment; Compensation

The municipal court shall be composed of a presiding municipal court judge and such other judges as determined by the council. The council shall appoint and may remove for cause the presiding judge of the municipal court and such additional judges appointed. All judges shall be appointed for a period of two years, with their compensation to be determined by the council.

Powers and Duties

Section 5-2-2

Each municipal judge shall exercise powers, duties and responsibilities as provided by the constitution and laws of the state, this code and the city ordinances and resolutions. The powers and duties of the municipal judge shall include, but are not necessarily limited to, the following:

- A. Scheduling assignments of all judges.
- B. Submitting all reports required by the constitution and the laws of the state, this code and ordinances and resolutions of the city.
- C. The submission of a periodic report to the council summarizing court activities for a specified period.
- D. The responsibility for fixing and receiving all bonds and bails and receiving all fines, penalties, fees and other monies as provided by law.
- E. The payment of all fines, penalties, fees and other monies collected by the court to the city treasurer.
- F. Preparation of a schedule of traffic violations not involving the death of a person, listing specific bail for each violation.

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- G. The keeping of a docket in which shall be entered each action and the proceedings of the court therein.
- H. The designation of a deputy other than a law enforcement officer and a specific location at which the deputy shall, during hours when the court is not open, set the amount of bail in accordance with the foregoing schedule and collect such bail, or accept proper bail bonds in lieu thereof, for and on behalf of the court.
- I. The preparation of a schedule of civil traffic violations listing a specific deposit for each violation. The presiding judge shall designate a person, a specific location and the hours which such person will be at the location to accept proper deposits for civil traffic violations for and on behalf of the court.
- J. The provision of such associate or substitute judges to perform duties in the absence of the presiding judge.

Section 5-2-3 Hearing Officers

The council may appoint one or more hearing officers to preside over civil traffic violation cases when the appointment of such hearing officers are necessary to assure prompt disposition of civil traffic violation cases. Hearing officers may hear and dispose of civil traffic violation cases under supervision of the presiding officer of the Maricopa Municipal Court which are appealable to the Superior Court pursuant to Title 22, Chapter 2, Article 4, Arizona Revised Statutes.

ARTICLE 5-3 PROCEEDINGS OF COURT

- 5-3-1 Conduct of Business
- 5-3-2 Complaint

Section 5-3-1 Conduct of Business

The proceedings shall be conducted in accordance with the state constitution, the applicable state statutes and rules of the state supreme court pertaining to municipal courts. The proceedings shall also be conducted in accordance with the rules of criminal procedure for the superior court, unless otherwise prescribed, and providing this code and the ordinances and resolutions of the city are not in conflict therewith. The municipal court shall at all times be open for transaction of business except on nonjudicial days.

Section 5-3-2 Complaint

The municipal court proceedings shall be commenced by complaint under oath and in the name of the state setting forth the offense charged with and such particulars of time, place, person and property as to enable the defendant to understand distinctly the character of the offense complained of and to answer the complaint.

ARTICLE 5-4 JURY SYSTEM

- 5-4-1 Formation of Jury
- 5-4-2 Selection of Jurors

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Section 5-4-1 Formation of Jury

The formation, summoning, drawing, disposition of names and the impaneling of jurors in the municipal court shall be accomplished in the same manner as provided for in courts of records as more fully set forth in Title 21, Chapter 3, of the Arizona Revised Statutes.

Section 5-4-2 Selection of Jurors

For the selection of potential jurors, a list of registered voters shall be furnished by the clerk of the board of supervisors of Pinal County. The city magistrate or his designee may also request that the Director of Transportation provide a list of potential jurors (those eighteen (18) years of age and older) who are licensed pursuant to the provisions of Title 28, Chapter 8, Articles 4 or 5 of the Arizona Revised Statutes. The Master Jury List shall be prepared so as to avoid duplication of the names of eligible juror candidates.

ARTICLE 5-5 DUTIES OF MANAGER AND COUNCIL

- A. The duties of the city manager are:
1. To organize, administer, supervise and plan for all nonjudicial city court operations, including personnel, payroll and insurance administration.
 2. To review city court schedule to insure maximum utilization of city resources and recommend changes to the city judge and to the city council to improve such utilization.
 3. Collection and safekeeping of all monies, including fines, penalties and fees collected in the city court, except as otherwise provided by law. These monies are to be kept safe until transferred to the city treasurer.
- B. Duties of the council include to provide for the financial, physical, personnel and consulting requirements of the city court. The council may adopt those additional ordinances which are deemed necessary for the consistent implementation of this chapter.

ARTICLE 5-6 CITY PROSECUTOR

The city attorney shall serve as the city prosecutor and will represent the state or the city in all contested matters and in all other matters where representation is requested or required by the city council, the presiding judge or by law.

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ARTICLE 5-7 ESTABLISHMENT OF FEES FOR SERVICES PROVIDED BY THE MUNICIPAL COURT

5-7-1	Establishment of Fees
5-7-2	Case Processing Fee
5-7-3	Warrant Issuance Administrative Fee
5-7-4	Prosecution Fee
5-7-5	Defense Appointment Fee
5-7-6	License Reinstatement Fee
5-7-7	DUI Investigation Fee
5-7-8	Blood Analysis Fee
5-7-9	Default Fee
5-7-10	Jail Cost Recovery Fee
5-7-11	Assessment and Collection of Fees
5-7-12	Penalties and Assessments
5-7-13	Authority to Waive Fees
5-7-14	Deferred Prosecution and Probation Fee

Section 5-7-1 Establishment of Fees

In order to defray the costs of various municipal court services, the fees set forth in this article shall be assessed and collected from certain persons using municipal court services. The fees assessed are and shall at all times be reasonably calculated to recover, on average, all or part of the costs and expenses associated with each service provided or undertaken on behalf of the person assessed fees.

Section 5-7-2 Case Processing Fee

For each case involving a criminal, criminal traffic, or civil traffic offense, the municipal court shall assess each person a Case Processing Fee of not more than \$20 for each case in which there is an adjudication adverse to the person in that matter. For purposes of this section, adverse adjudication shall include any and all determinations of guilt or responsibility including “no contest” pleas in criminal matters, irrespective of the punishment or penalty imposed by the city magistrate.

Section 5-7-3 Warrant Issuance Administrative Fee

When the municipal court issues a warrant for failure to appear, non-compliance with any court order, failure to pay a fine, failure to pay restitution, or failure to pay any other fees or penalties, the magistrate shall impose an administrative fee of not more than \$75 upon the person for whom the warrant is issued. This fee shall be added to the sum or sums set forth in the warrant.

Section 5-7-4 Prosecution Fee

The municipal court shall assess each person prosecuted by the city attorney’s office in which an adjudication of guilt or responsibility, including pleas of “no contest,” is entered against that person, a prosecution fee of \$25 for each case based upon a misdemeanor criminal offense if the City Attorney’s office prosecutes the person. A Prosecution Fee of a higher or lower amount may be imposed as set forth in a written plea agreement and based upon the actual costs of prosecution services and/or the indigent status of the defendant.

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Section 5-7-5 Defense Appointment Fee

The municipal court shall assess each person who receives the services of a court-appointed defense attorney and against whom an adjudication of guilt, including pleas of no contest, is entered, a defense appointment fee. The amount of the fee shall be at the discretion of the magistrate, who shall consider the nature, complexity and seriousness of the charges and services provided by the court-appointed defender, as well as the financial condition of the person. Said fee shall not, however, be charged to any person determined to be indigent or otherwise entitled to a waiver pursuant to this article or state or federal law.

Section 5-7-6 License Reinstatement Fee

The magistrate shall assess a license reinstatement fee of not more than \$50 for processing requests for license reinstatement for those persons whose licenses were suspended, revoked or cancelled due to failure to comply with a lawful order of the municipal court, including but not limited to, the payment of fines, failing to complete counseling, alcohol or drug-screening or failing to appear in the municipal court pursuant to civil traffic violations.

Section 5-7-7 DUI Investigation Fee

The municipal court shall assess each person a DUI Investigation fee of not less than \$50 for costs incurred by law enforcement officials in investigating the person as suspected of driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor, any drug, vapor releasing substance, or any combination thereof as proscribed by law, in each case where there is an adjudication adverse to the person of a charge related to the results of the DUI Investigation. For purposes of this section, a conviction of the reduced charge of reckless driving shall be considered a charge related to the results of the DUI Investigation if the basis for the reckless driving conviction was in any way related to the operation of the vehicle in an impaired state.

Section 5-7-8 Blood Analysis Fee

The municipal court shall assess each person a Blood Analysis Fee in an amount of not more than \$100 based upon the actual costs incurred by law enforcement personnel acting for or on behalf of the City of Maricopa in obtaining a blood analysis of the person in each case where there is an adjudication adverse to the person of a charge related to the results of the blood analysis.

Section 5-7-9 Default Fee

In any civil traffic matter where a default is entered against a person for failure to timely appear and defend or plead to the charge, a default processing fee of \$25 shall be imposed against the person.

Section 5-7-10 Jail Cost Recovery Fee

The municipal court shall order a person who is convicted of a misdemeanor offense and who is sentenced to a term of incarceration to reimburse the city for the incarceration costs. The court may determine the amount of incarceration costs to be paid based on the following factors:

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1. The per diem per person cost of incarceration incurred by the political subdivision that incarcerates the person.
2. The person's ability to pay part or all of the incarceration costs

Section 5-7-11 Assessment and Collection of Fees

The municipal court shall assess and collect fees as provided for in this article. All fees assessed against a person constitute a debt of the person and may be collected by the city of Maricopa. In addition to any other remedies which may be allowed by law, the city attorney is authorized to institute any appropriate civil suit in a court of competent jurisdiction for recovery of the fees referred to in this article.

Section 5-7-12 Penalties and Assessments

In each case where required by state law, there shall be imposed on the fees imposed in this chapter a penalty or other assessment in an amount equal to the amounts required to be collected pursuant to Arizona Revised Statutes Sections 12-114.01, 12-116, 12-116.01, 12-116.02, and 16-954(C), as may each be amended or superceded from time to time, as well as any other statutes, ordinances or other laws which may be added or revised by the Arizona Legislature, Pinal County or any other governing body relating to the imposition of such surcharges.

Section 5-7-13 Authority to Waive Fees

The magistrate may waive all or a portion of the fees established by this article when, in the magistrate's opinion, such waiver would be in the interest of justice. A finding that the person is indigent and has no anticipated future source of funds from which the fee(s) may be paid would support waiver of all or part of the fees in the interest of justice.

Section 5-7-14 Deferred Prosecution and Probation Fee²

In addition to other fees established in this Article, a Deferred Prosecution and Probation Fee shall be imposed on each criminal case for which the court defers prosecution of an offense or places an offender on probation for a criminal offense. The amount of the Deferred Prosecution and Probation Fee in each case, which shall be no less than \$25 or more than \$150, shall be determined by the Magistrate who will base this determination upon the level of administrative services expected to be provided by the Court or the City as a result of the deferred prosecution or period of probation.